

Corporation, from Brooklyn, N. Y., in various consignments, namely, on or about April 29 and May 12 and 22, 1925, respectively, and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Selma Brand Milk Chocolate Covered Pineapple Hearts" (or "Chocolate Covered Dates Selma Brand") "Manufactured by Candy Products Corp. Brooklyn N. Y."

Adulteration of the articles was alleged in the libel for the reason that products covered with chocolate coating containing excessive cocoa shells had been substituted in part for the said articles and for the further reason that cocoa shells had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality or strength.

Misbranding was alleged for the reason that the labels bore statements "Milk Chocolate Covered" and "Chocolate Covered," as the case might be, which were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were offered for sale under the distinctive names of other articles.

On September 14, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13806. Adulteration and alleged misbranding of chocolate malted milk. U. S. v. 135 Cases et al. of Melodew Chocolate Malted Milk. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20373. I. S. Nos. 39-x, 40-x. S. No. W-1765.)**

On August 22, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 135 cases, containing 6-ounce jars, and 119 cases, containing 12-ounce jars, of Melodew chocolate malted milk, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Melodew Products (Inc.), from New York, N. Y., in various consignments, namely, April 23 and May 1 and 2, 1925, respectively, and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Jar) "Melodew Choclet Malted Milk Melodew Products, Inc. New York \* \* \* Net Wt. 6 oz." (or "Net Wt. 12 oz.").

Adulteration of the article was alleged in the libel for the reason that a substance, a mixture of malted milk, cane sugar, ground barley, malt, dried whole milk, and cocoa, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Choclet Malted Milk Net Wt. 6 oz." or "Net Wt. 12 oz.," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 18, 1925, A. C. Millang, San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be brought into conformity with the act under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13807. Adulteration and misbranding of assorted jams. U. S. v. 167 Cases of Assorted Jams. Decree entered, ordering product released under bond. (F. & D. No. 20285. I. S. Nos. 14636-v, 23267-v to 23275-v. incl., 23326-v, 23327-v. S. No. W-1754.)**

On July 30, 1925, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and

condemnation of 167 cases of assorted jams, remaining in the original unbroken packages at Casper, Wyo., alleging that the article had been shipped by the J. S. Brown Mercantile Co., Denver, Colo., on or about June 9, 1925, and transported from the State of Colorado into the State of Wyoming, and charging adulteration and misbranding in violation of the food and drugs act as amended. One hundred and fifty-eight cases of the article contained cans or jars labeled in part: "Contents 4 Lb. 10 Ozs. Compound of Pectin, Sugar and Strawberry" (or "Raspberry" or "Blackberry" or "Peach" or "Loganberry" or "Plum" or "Cherry") "Contains Sugar, Fruit, Apple Pectin, added Fruit Acid and  $\frac{1}{2}$  of 1% Benzoate of Soda. Packed For The J. S. Brown Mercantile Co., Denver, Colo. The remaining 9 cases of the article were similarly labeled except the statement of weight, which was: "Net Weight 22 Ounces."

Adulteration was alleged in the libel with respect to 158 cases of the product for the reason that water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged in substance with respect to 158 cases of the product for the reason that the statement "Contents 4 Lb. 10 Ozs." borne on the labels, was false and misleading and deceived and misled the purchaser, in that the contents of the said cans was less than 4 pounds 10 ounces of the product, for the further reason that the article was in package form and the quantity of the contents was not plainly and correctly stated on the outside of the package, and for the further reason that it was labeled "Strawberry," "Raspberry," "Loganberry," "Plum," and "Cherry," as the case might be, and was an imitation of such varieties of jams and was offered for sale under the distinctive names of said jams. Misbranding was alleged with respect to the remaining 9 cases of the product for the reason that it was labeled: "Compound of Pectin, Sugar and Strawberry" (or "Raspberry" or "Blackberry" or "Peach" or "Loganberry" or "Plum" or "Cherry," according to variety), which said statements were false and misleading and deceived and misled the purchaser, in that it contained an excessive proportion of water which had been mixed and packed with and substituted in part for the said article.

On August 24, 1925, the Pure Food Manufacturing Co., Denver Colo., having appeared as claimant for the property, a decree of the court was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of not less than \$1,500, conditioned in part that it not be sold or otherwise disposed of contrary to law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13808. Adulteration of canned sardines. U. S. v. 730 Cases of Sardines. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19166. I. S. No. 9796-v. S. No. C-4532.)**

On November 15, 1924, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 730 cases of sardines, at San Antonio, Tex., alleging that the article had been shipped by the Seacoast Canning Co., from Eastport, Me., August 23, 1924, and transported from the State of Maine into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Sea Lion Brand Maine Sardines in Cottonseed Oil. Packed by Seacoast Canning Co., Eastport, Me.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed, filthy, and putrid animal substance.

On July 8, 1925, the Seacoast Canning Co., Eastport, Me., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product, or such portion thereof as should be determined by this department to be fit for consumption, be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,102.50, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*